



MINUTES
PUBLIC MEETING/WORK SESSION
Twin Falls City Planning & Zoning Commission
Wednesday, October 1, 2014 12:00PM
Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

City Council Liaison

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Derricott Boyd

Frank Reid

Grey

Munoz

Tatum

AREA OF IMPACT MEMBERS

Present Absent

Higley

Woods

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway, Humble, Strickland, Weeks, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. GENERAL PUBLIC INPUT:

- Jerry Lezardo, Kimberly, Id representing his neighbors regarding the request made by Brad Wills for the Comp Plan Amendment change along Kimberly Road. They would like to see a change in the notification process.
- Community Development Director Humble stated the Council tabled the item, they could bring the item back to the meeting to make a decision. However, since the comments were made about notification the Council would have the applicant re-notify the public of the request. The developer has not withdrawn the request but if anything happens on this item a new hearing process will occur.
- Jill Skeem, 3648 N 3300 E stated that she would like it reflected in the code, because the impression is that the when an item is tabled the item can have a decision made at the next meeting without notification.

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III. DISCUSSION ITEMS FROM THE COMMUNITY DEVELOPMENT STAFF AND/OR THE PLANNING & ZONING COMMISSION:

1. Alternative landscape plan

Staff Presentation

Planner I Spendlove, reviewed the special use permit conditions for Gary Henning and it required an alternative landscaping plan. He reviewed the proposed alternative landscaping and it shows the existing 92 sq. ft. the required amount is 440 sq. ft. The code does not specify where the amount has to be located; staff is asking the Commission if this is sufficient.

Discussion Followed:

- Commissioner Munoz stated this is not sufficient for what is required. He would like to see additional landscaping.
- Commissioner Woods stated he would be fine with the existing landscaping.
- Commissioner Frank stated the applicant has not provided an alternative plan and 92 sq. ft. is not enough but 440 sq. ft. is probably too much. An alternative needs to be proposed.
- Commissioner Grey explained he understands the applicant doesn't want to pave what is going to be ripped up and provide for additional landscaping when the street in front of the building is not even paved.
- Commissioner Frank stated he still thinks an alternative is what the Special Use Permit condition requires.
- Commissioner Grey stated this also points back to alternative landscaping such as adding canopies to the building and structural exterior alternatives might be sufficient.
- Commissioner Munoz agrees with Commissioner Frank an alternative needs to be provided. He also agrees with Commissioner Grey because adding something to the front of the building to make it more attractive might be something to consider.
- Commissioner Higley stated he thinks an alternative plan has not been provided.

Motion:

Commissioner Woods made a motion to approve the proposed alternative landscaping plan on SUP #1331, as required in condition #2, as presented. Commissioner Munoz seconded the motion. Commissioner Woods voted in favor of the motion. Commissioners Frank, Higley, Grey, Tatum, Derricott, Munoz voted against the motion.

Motion Denied

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2. Review proposed code amendment items update

Staff Presentation:

Community Development Director Humble explained that the ZDA Amendment code proposal will be scheduled for the Planning & Zoning Meeting on October 28, 2014. He then reviewed a list of and use actions wherein the City Code requires public hearings. He stated from his review of City Code he found some inconsistencies as well as different locations where the notification requirements were addressed. He has put together a proposal that would organize the notification requirements under one code section. He then reviewed the proposed notification changes along with timeframes for mailings and posting of signs.

Discussion Followed:

- Commissioner Woods asked if there is any verbiage in the code that would require notification to adjacent cities for example Kimberly, ID.
- Community Development Director Humble explained that the code says any public subdivision that is responsible for providing services to the property would be notified and if there is a property owner within the notification boundary they will be notified.
- Commissioner Munoz asked if the verbiage for the Administrator should be changed to Planning & Zoning Department because the majority of the time it is a team that has helped make the decision.
- Community Development Director Humble explained that the verbiage the Administrator is used throughout the code but for consistency he has left the verbiage the same. The provision for requiring additional notification as determined by the administrator has been part of the code for years but it has not been used very often. Recently because of this discussion there have been some changes made to the department's internal process not only are they checking the list to make sure the list is complete but they will now be checking the area of coverage to make sure the area does not need to be expanded.
- Council Liaison Mills Sojka stated what is being done in this context is leaving the determination up to the administrator which is ambiguous, because it is a subjective call. She thinks there needs to be more concrete, and what Jerome did was specify specific distances for specific land use requests. There needs to be an increase to the 300' and it shouldn't be left up to the administrator to make that call. Take the discretion away and make the measurements more concrete.
- Jerry Lazardo, explained that one of their neighbors received a notice about the Comprehensive Plan request because she was in the 300' area and the rest of the neighbors did not which is why he feels the concrete numbers would work better.
- Commissioner Derricott stated he understands the concept proposed but he is still not sure that a concrete distance is going to solve the problem. There are still going to be people that fall out of that area that are going to feel like they should have been noticed.

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- Commissioner Munoz explained that he doesn't think there is a magic number that is going to solve the problem. He also thinks code shouldn't be change because a few exceptions. Making a change for every single problem that arises is not going to work, not everyone is going to be happy.
- Commissioner Derricott asked about the option to not mail letters if the list includes 200 or more names.
- Community Development Director Humble explained the property owners within the distance specified is inclusive regardless of what jurisdiction the person lives in they will get a letter. He does understand both sides of the conversation and there is discretion which creates challenge. When the administrator makes the decision the applicant can also appeal the administrator's decision to the Commission. There is a state law that states if there are 200 or more addresses on the list in lieu of mailing a notice the applicant can post the notice in the paper. In his opinion this means less notification, if you apply a large distance and consider the density for our area this situation could occur more often; which is why changing the 300' distance has not been proposed.
- Jill Skeem stated 300' is not adequate the rural areas are where the people want to develop so the 200 addresses should not be a concern.
- Commissioner Grey explained that maybe not in this specific case but the language that gets created has to apply to all properties within the city's jurisdiction.
- Commissioner Higley explained the effort is being made to make this the best process without taking a shot gun approach because of every case has different issues which is why it has been left up to the administrator. It is not the state law that is the issue it was the determination by the administrator that didn't work.
- Commissioner Tatum explained that the process works because we are here having a discussion about the issue.
- Commissioner Higley explained that law is somewhat ambiguous so that there is room for interpretation. The minute the 200 number is met then the notice goes in the paper which is even less notification.
- Attorney Wonderlich explained that it could be an option if the number of addresses is greater than 200 but the Commission could require notices sent out. The local entity can require more.
- Commissioner Tatum reminded the Commission that there are additional notification requirements that we can look at to address the issue.
- Council Liaison Mills Sojka stated she feels the process we have now failed and in this case the only reason people found out is because someone went around and let them know.
- Commissioner Frank explained your basing the decision that if failed on one instance the other thing that could have been addressed is signage, which is why he can't support this completely. Changing things because of one instance is not appropriate.

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- Commissioner Grey explained it wasn't the 300' that failed it was the discretion of the administrator that failed.
- Council Liaison Mills Sojka stated yes that is why it should not be left up to the discretion of the administrator the distance should increase so there is no discretion.
- Commissioner Frank explained that there is always going to be someone that complains they didn't get noticed and you will never be able to pick the magic distance to cover that issue.
- Council Liaison Mills Sojka stated that this proposal isn't changing anything it is leaving it all up to the discretion of the administrator.
- Commissioner Munoz explained the notification process by letter may not have any changes but the other part of the code regarding signage and timeframes has some changes that could make notification better.
- Attorney Wonderlich explained unintended consequences may occur with changes, what he would suggest is to look at the big picture and take a look at real live cases to see what is happening now to determine if a change is necessary.
- Commissioner Woods explained the proper thing to do is listen to the proposal in its entirety before further discussion takes place.
- Community Development Director Humble explained a Comprehensive Plan amendment request doesn't require a mailed notification be sent to property owners within 300' so the notice that was mailed out for this type of request was more than what was required. There are a few other changes that have been proposed and he asked that the Commission review these things and think about the changes between now and the next work session.

3. Identify upcoming P&Z agenda items.

Zoning & Development Manager Carraway displayed on the overhead what has been posted in the paper for the upcoming Planning & Zoning public hearing.

4. General Commission training

IV. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – Tuesday, **October 14, 2014**

V. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 1:35pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department